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U.S. EPA

Subject: **Docket identification number** [OPP-2002-0231](#)
Emergency Exemption Revisions Pilot

The pilot could be improved if the scope is broadened to incorporate the final 3 recommendations for Section 18 revisions supplied by AAPCO, even though some of they would make the pilot more complex.. By including non-reduced risk pesticides, more economic loss data flexibility and resistance the pilot can provide a more complete set of modifications to the Section 18 process.

Restricting the scope of the program to reduced risk pesticide for use on minor crops may not benefit many minor crop growers states and may not provide sufficient data for final Section 18 rule modifications. The reason is that many non-reduced risk pesticides currently have been approved under existing Section 18 emergencies that are currently being evaluated in IR-4 tolerance studies and have had efficacy research done by Universities and Commodity groups. Many of the reduced risk pesticides may be suitable alternatives to non-reduced risk pesticide options for minor crops, but the data to support their efficacy and their fit into growers pest management programs are often not available. Studies to gather efficacy data and experience on reduced risk pesticides as alternatives to pesticides already involved in IR-4 or other tolerance studies takes considerable time and dollars. Availability of newly registered reduced risk pesticides is only a first step in considering them for inclusion into a growers pest management plans and as viable alternatives to non-reduced risk pesticides. The pilot could be an opportunity to consider the reduced-risk/non-reduced risk relationship.

Once an emergency economic condition is concluded by EPA, many times the emergency is extended to at least 5 years or longer, because it often takes IR-4, Registrants and EPA that long to initiate and approve tolerance petitions. The 3 year limit for emergency certification by states is probably not long enough to coincide with the current tolerance establishment processes, unless the tolerance process for reduced-risk pesticides is considerably shorter than for non-reduced risk pesticides.

Greater flexibility for documenting an economic emergency for reduced risk pesticides is a positive step, and it would be better if this flexibility was extended to all Section 18 requests. The data pool would be larger and more realistic, to help formulate new Section 18 rules. Our experience is that the major weakness of the Section 18 process is the data necessary to document "economic emergencies". It is very difficult from a resource and logistical standpoint for states, growers and others to gather data on economic losses from growers of very minor crops, even though they clearly have pest (economic) emergencies.

Many states are currently developing pest management strategies for USDA for a variety of crops. In the Midwest, Michigan, Wisconsin, and Minnesota have developed plans for a variety of crops including, but not limited to, potatoes, sweet corn, cabbage, and carrots. Many of these plans deal with resistance as a significant problem. Resistance research is a major area of need because of the loss or discontinued use of OP's and the heavy reliance on pyrethroid insecticides. Many minor crops also have use of limited herbicides and are having increased resistance to the

new, but highly resistance-susceptible, strobilurin fungicides. These pest management plans provide valuable insight into pests, pesticide problems, resistance problems and other research needs. According to USDA, these plans are to be shared with EPA. They provide candid, accurate assessments of pest control practices, crop issues, research needs and they should be very useful to EPA in making registration decisions.

Because timing is critical in dealing swiftly and proactively with resistance, there needs to be better interaction and data sharing between states, EPA and USDA IPM Centers. Crop experts residing in states where resistance is emerging or has occurred are key contacts for those in other states where the same resistance problems are anticipated. Identifying certain crop experts and accessing their information is often difficult for state regulatory officials or University researchers who do not normally deal with certain crops. Resistance must be dealt with prior to its occurrence, because the problems associated with it become insurmountable when resistance is established.

Overall the pilot program is a good first step in improving the Section 18 process. It could be improved with a broader scope that includes the elements identified in this commentary.

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